

RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF BUCKLIN, KANSAS
October 15, 2025

The City Council of the City of Bucklin, Kansas, met in special session on October 15, 2025 at 5:30 p.m., in the Council Chambers at Bucklin City Hall, 117 West Oak Street, Bucklin, Kansas, with Mayor Cody Warden presiding. Present were Councilmembers Nichole Pearce, Justin Engel, Noel Stiles, Kerry Christian and Liz Albert. City staff present was City Clerk Kim Dill, absent was Police Chief Scott Messino, and City Superintendent Jason Goracke. Others present Attorney Kevin Salzman and Shelia Erickson

CALL TO ORDER

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Warden at 5:30 pm.

PUBLIC HEARING

CONSENT AGENDA

ITEMS OF BUSINESS

1. KOMA Training – Attorney Kevin Salzman provided the KOMA Training required by the Kansas Attorney General's Office.

DEPARTMENT HEAD REPORTS

City Superintendent

None

City Clerk

None

POLICE

None

COUNCIL UPDATES

None

EXECUTIVE SESSION

1. Consider entering into executive session to discuss personnel matters of non-elected personnel.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Engel and second by Councilmember Stiles and passed 5/0 the meeting adjourned at 6:35 pm.

/s/ Kim Dill

City Clerk

BEFORE THE OFFICE OF THE KANSAS ATTORNEY GENERAL
120 SW 10th Avenue, 2nd Floor
Topeka, Kansas 66612-1597
Shawnee County, Kansas

In the Matter of the)
City of Bucklin, Kansas)

Case No. 2025-OG-0005

CONSENT ORDER

NOW on this 3rd day of September, 2025 this matter comes before the Attorney General for the purposes of resolving the above-captioned matter pursuant to the provisions of K.S.A. 75-4320d, which grants the Attorney General authority to enter into consent orders.

In lieu of further legal proceedings concerning violations of the Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 *et seq.*, the undersigned hereby knowingly and voluntarily agree as follows:

1. On or about June 24, 2025, the Attorney General's Office received a complaint alleging the City of Bucklin, Kansas, specifically Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce (hereinafter "Respondents") violated the KOMA. Following this complaint, the Kansas Attorney General's Office conducted an investigation into the allegations that the city intentionally conducted a meeting of the city council, (for the purposes of this Order "city council" includes the office of the mayor) via text messaging, in violation of K.S.A. 75-4318.

2. The city is a public agency that is subject to the requirements of the KOMA, and it must conduct meetings regarding the affairs and business of the city that are open to the public.

3. Investigation and/or statements provided on behalf of the city confirm the following violation of the KOMA by a preponderance of the evidence:

That on June 10, 2025, the mayor of the city, Cody Warren, initiated a meeting of the city council, conducted via text messaging, to the exclusion of the public, to discuss the affairs and business of the city regarding a substantive financial transaction. Further, that the city council took binding action during said meeting.

4. Based upon the above information, Respondents individually admit and agree that they violated the KOMA as set out in paragraph 3 above concerning the June 10, 2025 meeting conducted in violation of K.S.A. 75-4318.

5. Respondents agree they fully understand and agree that they will comply with the requirements of the KOMA as set out in K.S.A. 75-4317 *et seq.*, in conducting meetings of the city council.

6. The Attorney General and Respondents mutually desire to enter into this Consent Order in lieu of further adjudicative proceedings.

7. Respondents understand and waive all rights to further adjudication of facts and law that could be determined pursuant to other enforcement proceedings conducted in accordance with K.S.A. 75-4320a, 75-4320a(a), 75-4320b, 75-4320d and 75-4320f concerning this matter.

8. Respondents waive any claim or assertion that the Kansas Judicial Review Act (KJRA), K.S.A. 77-601 *et seq.*, applies to agency actions that are governed by the provisions of K.S.A. 75-4317 *et seq.*, and amendments thereto, relating to open meetings (the KOMA), and subject to an action for civil penalties or enforcement, and thus it does not have a right to appeal under the KJRA.

9. The Attorney General accepts the waivers and stipulations by Respondents.

WHEREAS, the Attorney General finds that the above facts have been established by a preponderance of the evidence, and that it is proper that Respondents be subject to this Order based on the provisions of K.S.A. 75-4320d, which permits the Attorney General to impose conditions or requirements on a public agency for violation of the KOMA in a Consent Order;

AND WHEREAS the Attorney General and Respondents mutually desire to enter into a Consent Order in lieu of further adjudicative proceedings to resolve the violation.

NOW THEREFORE, Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce consent to the following terms and conditions, and the Attorney General orders that:

10. Respondents agree and shall:

a. For the open meeting violation on June 10, 2025, Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce agree and shall individually pay a civil penalty of \$50 each. Such payment shall be made payable by certified check, personal check, or money order to the Office of the Attorney General pursuant to K.S.A. 75-760 within 30 days of the effective date of this Consent Order.

b. Ensure that each members of the city council, obtain at least one (1.0) hour of training on the provisions of the KOMA to be presented by an attorney experienced in dealing with open meetings issues, within 90 days of the date of this Consent Order;

c. Provide the Attorney General's Office with a written statement confirming that city council member has obtained the required KOMA training within ten (10) days of receiving the training; and;

d. Not engage in any future violations of the KOMA.

11. Respondents understands and agrees that if it fails to comply with the terms of this Consent Order, the Attorney General may take action to enforce its provisions as authorized by K.S.A. 75-4320d(c) and amendments thereto.

12. Respondents understands and agrees that if it engages in any future violations of the KOMA, the facts and statements contained herein may be considered in determining the appropriate enforcement action and remedy.

13. Respondents agree and understand that this Consent Order does not resolve future and/or currently unknown unlawful conduct that may occur or be brought to the attention of the Attorney General or any other prosecutor, and any such alleged violations of the KOMA may be subject to investigation proceedings as provided by K.S.A. 75-4530b and/or enforcement proceedings conducted in accordance with K.S.A. 75-4320(a), 75-4320a(a), 75-4320b, 75-4320d or 75- 4320f.

14. In consideration of these admissions and agreements by Respondents and the above-agreed remedies, the Attorney General agrees to forgo further prosecution for the violations of the KOMA set forth herein.

15. Respondents agree that this Consent Order conforms to Kansas and federal law and that the Attorney General has the authority to enter into this Consent Order.

16. Except as provided in paragraphs 11, 12 and 13, this Consent Order shall operate as a complete release of all claims Respondents may have against the Attorney General, his agents or employees, arising out of the investigation of this matter. Respondents agree not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Attorney General, the Office of the Attorney General, its agency or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Respondents agree that all actions in this matter were a bona fide use of discretion and authority granted to the Attorney General, the Office of the Attorney General, its agents or employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

17. Respondents understand that this Consent Order shall be maintained and made available for public inspection pursuant to the provisions of K.S.A. 75-4320d(e) and amendments thereto.

18. This Consent Order shall be a public record in the custody of the Office of the Attorney General.

19. This Consent Order constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by the parties. This Consent Order shall be interpreted in accordance with the laws of the State of Kansas.

20. Should any court, agency or tribunal with authority and jurisdiction to do so, find that any provision or term of this Consent Order is invalid or unenforceable, the remaining provisions and terms of the Order shall remain in full force and effect.

21. This Consent Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the Attorney General and Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce consent to these provisions.

IT IS SO ORDERED.

OFFICE OF THE ATTORNEY GENERAL

Kris W. Kobach
Kansas Attorney General

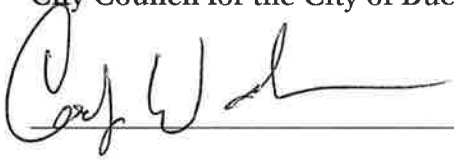
Prepared By:

David Van Parys, #11683
First Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597
Phone: (785) 296-2215

Approved By:

Kim Dill - City Clerk
Kim Dill

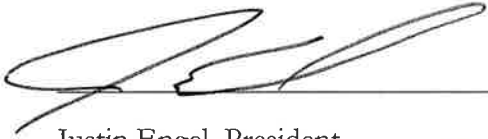
City Council for the City of Bucklin, Kansas



Cody Warden, Mayor

9-15-2025

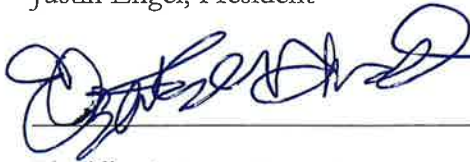
Date



Justin Engel, President

09-15-2025

Date



Liz Albert, Councilmember

9-15-2025

Date



Noel Stiles, Councilmember

9-15-25

Date



Kerry Christian, Councilmember

9/15/25

Date



Nichole Pearce, Councilmember

9-15-2025

Date

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2025, a true and correct copy of the foregoing Consent Order was deposited in the United States mail, first class postage prepaid, addressed to:

Cody Warden, Mayor
City of Bucklin
PO Box 458
Bucklin, KS 67834

and

Kim Dill, City Clerk
City of Bucklin
PO Box 458
Bucklin, KS 67834



David C. Van Parys
First Assistant Attorney General

I, the undersigned, do hereby attest that I attended a one-hour presentation on the Kansas Open Meetings Act (KOMA) presented by Kevin Salzman, KS Bar Number 25174, City Attorney for Bucklin, Kansas, on October 15, 2025, commencing at 5:30 p.m.

Printed Name

Signature

Neal Stiles

Neal Stiles

FERRY D CHRISTIAN

Ferry D Christian

Justin Engel

Justin Engel

Cody Warden

Cody Warden

Nichole Pearce

Nichole Pearce

Elizabeth Albert

Elizabeth Albert

I, Kevin B. Salzman, City Attorney for Bucklin, Kansas Bar Number 25174, do attest and affirm that each of the individuals listed above was present for a 1 hour presentation on the Kansas Open Meetings Act held on October 15, 2025, beginning at 5:30 p.m., and remained present and engaged for the entire period.

Kevin Salzman
KS # 25174

October 15, 2025



KANSAS ATTORNEY GENERAL

DEREK SCHMIDT

A GUIDE TO OPEN MEETINGS AND OPEN RECORDS

Philip R. Michael

Assistant Attorney General

This presentation is the property of the Office of the Kansas Attorney General and is for educational and informational use only. Do not disseminate or broadcast this presentation without prior written permission.

Information in this presentation is provided as a public service to enhance public education and is accurate as of [April 8, 2022]. It is not intended to take the place of statutory law, regulations, or guidance documents. Such information is subject to change. The presentation is not legal advice, therefore, please consult with your own legal counsel for legal advice and assistance with your legal matters.



Kansas Open Meetings Act

K.S.A. 75-4317 *et seq.*

see disclaimer



History of open meetings

- ▶ K.S.A. 19-218 - Every board of county commissioners “shall sit with open doors, and all persons conducting in an orderly manner may attend their meetings. . . .”
- ▶ First adopted in 1868; last amended in 1923
- ▶ KOMA adopted in 1972; provides rules that allow members of the public to observe the nearly 4,000 units of government in Kansas making decisions

**See disclaimer



Policy, construction, purpose

- ▶ K.S.A. 75-4317(a) - Meetings shall be open to the public because “a representative government is dependent upon an informed electorate. . . .”
- ▶ Law enacted for the “public benefit,” so construed broadly in favor of the public to give effect to its specific purpose of openness. *State ex rel. Murray v. Palmgren*, 231 Kan. 524, Syl. ¶ 4 (1982)
- ▶ KOMA interpreted liberally and exceptions applied narrowly to carry out purpose

**See disclaimer



Who is subject to KOMA?

- ▶ All legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, and other subordinate groups thereof receiving or expending and supported in whole or in part by public funds

K.S.A. 75-4318(a)

- ▶ “Subordinate groups” - not defined; if created by a covered entity or the group has become an extension of a covered entity, most likely covered

**See disclaimer



Who is not subject to KOMA?

- ▶ Any administrative body when exercising a “quasi-judicial” function - K.S.A. 75-4318(g)(1)
- ▶ Hearings conducted under the Kansas Administrative Procedures Act (KAPA) - K.S.A. 77-523(f); K.S.A. 75-4318(g)
- ▶ Judiciary
- ▶ Private organizations
- ▶ Staff meetings of a covered entity

**See disclaimer



What is a meeting?

- ▶ Any gathering or assembly in person, through the use of a telephone, or any other medium for interactive communication
- ▶ By a majority of the membership of a public body or agency subject to the act
- ▶ For the purpose of discussing the business or affairs of the public body or agency

K.S.A. 75-4317a

**See disclaimer



Gathering or assembly

- ▶ May conduct meetings by telephone or other medium (conference call, video, skype, go to meeting, WebEx) if comply with all KOMA requirements
- ▶ Informal discussions before, after or during a recess of a public meeting may be subject to the KOMA
- ▶ Name of the gathering is irrelevant

**See disclaimer



Majority of the membership

- ▶ Next whole number greater than one-half the total number of members
- ▶ Can be different than a quorum

**See disclaimer



Discussion

- ▶ Binding action or voting not necessary
- ▶ Meeting includes all gatherings at all stages of the decision making process
- ▶ Social gatherings
- ▶ Retreats and meetings held in private
- ▶ Educational conference/seminar
- Tip - when traveling to such meetings, advise members of public body to avoid discussing business or affairs

**See disclaimer



Notice

- ▶ KOMA does not require notice of meetings to be published in a newspaper or on a website
- ▶ Must request notice of meetings
- ▶ No formalities to requesting notice - can be verbal or written
- ▶ A request is valid for one fiscal year
- ▶ Must notify of expiration before terminating notice
- ▶ Provide date/time/location where public body will meet to person requesting notice a “reasonable time” before meeting
- ▶ Group request for notice - provide to designated individual
- ▶ Executive Order 18-08

K.S.A. 75-4318(b)

**See disclaimer



“Serial communications”

- ▶ Interactive communications outside of a noticed meeting may be a meeting under KOMA if:
 - Collectively involve a **majority of the membership** of the public body or agency
 - Share a **common topic** of discussion
 - Are **intended** by any or all participants to **reach an agreement on a matter that requires binding action** to be taken by the public body or agency

K.S.A. 75-4318(f)

- ▶ Emails, calling trees, use of an agent (staff member)
 - Tip - DO NOT REPLY ALL, DO NOT FORWARD

**See disclaimer



Penalties

- ▶ Civil penalty up to \$500 for each violation paid by each individual member of the public body who knowingly violates
- ▶ Require completion of AG approved training
- ▶ Order to cease and desist from further violation
- ▶ Comply with the KOMA
- ▶ Reasonable expenses, investigative costs and attorney fees

**See disclaimer



Meeting conduct

- ▶ KOMA does not address meeting procedures
- ▶ Agenda
 - Not required to create
 - Any agenda must include topics planned for discussion (if known) but may be amended during a meeting unless a statute or rule prohibits an amendment
 - Must make agenda available to any person requesting the agenda
 - Agenda does not have to be mailed out in advance of meeting
 - may simply place the agenda in a public place

**See disclaimer



Meeting conduct

- ▶ Use of cameras, photographic lights and recording devices
 - Public may record meeting as long as not disruptive
 - Use subject to reasonable rules to ensure orderly conduct of the meeting
- ▶ No public right to speak, but only to listen and observe
- ▶ Location of meeting - is it accessible to the public?
- ▶ No secret ballots
- ▶ Minutes - only required to record motion to go into executive session, but bylaws, ordinances, policies, etc., may require minutes to be kept
- ▶ K.A.R. 16-20-1

**See disclaimer



Executive sessions

- ▶ Permits discussion of certain enumerated matters outside of public view
- ▶ An open meeting must be convened first and then **recess** into executive session
- ▶ There is no mechanism in the KOMA to extend an executive session or to end an executive session early
- ▶ No binding actions may be taken in an executive session, but a consensus is allowed
- ▶ If a consensus is achieved, an open and formal vote must be taken in open session

**See disclaimer



Executive sessions

- ▶ Must be a formal motion seconded and carried; Complete motion recorded in the minutes
- ▶ Parts of the motion for executive session:
 - Statement of the subject(s) to be discussed (without revealing confidential information)
 - Justification (from the statute)
 - Time/place open meeting will resume

K.S.A. 75-4319

**See disclaimer



Who may attend?

- ▶ Only members of the public body
- ▶ Mere observers may not attend
- ▶ Staff, agents or other non-public body individuals have no right to attend
- ▶ Public body may invite individuals who will:
 - Aid the discussion
 - Provide information on a permissible topic or participate in the discussion

**See disclaimer



Executive sessions

Commonly used justifications:

- ▶ Personnel matters of non-elected personnel
 - ▶ Consultation with the public body's attorney
 - ▶ Employer - Employee negotiations
 - ▶ Data relating to the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorship (economic development)
 - ▶ Matters affecting a student, patient or resident of a public institution
 - ▶ Preliminary discussions relating to the acquisition of real property
 - ▶ Security measures
- K.S.A. 75-4319

**See disclaimer



Kansas Open Records Act

K.S.A. 45-215 *et seq.*

**See disclaimer



Policy, construction, purpose

- ▶ “Public records shall be open for inspection by any person unless otherwise provided, and this act shall be liberally construed and applied to promote such policy” - K.S.A. 45-216(a)
- ▶ KORA enacted in 1984; it replaced version enacted in 1957
- ▶ KORA provides the procedure for the public to view and make copies of public records
- ▶ KORA also defines and categorizes records

**See disclaimer



Public record defined

- ▶ Any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:
 - Any public agency
 - Any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency
 - ▶ Includes written records, photographs, computer data, and email
- K.S.A. 45-217(j)

**See disclaimer



Public record defined

- ▶ Does not include:
 - Records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds
 - Private person - does not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties
 - Records made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state
 - Records not in existence at time of request
 - ▶ Do not need to create records in order to fulfill a request
- K.S.A. 45-217(j)

**See disclaimer



What is a “public agency?”

- ▶ The state
- ▶ Any political or taxing subdivision of the state, or any office, agency or instrumentality thereof, or
- ▶ Any other entity receiving or expending or supported in whole or in part by public funds appropriated by the state or political/taxing subdivision
- ▶ Instrumentality - not defined in KORA; if created by a covered entity or the group has become an extension of a covered entity, most likely covered

K.S.A. 45-217(i)(1)

**See disclaimer



What is not a “public agency?”

- ▶ Private companies, even if they receive public funds in exchange for goods and services
 - ▶ Municipal or state judge/justice
- K.S.A. 45-217(i)(2)

**See disclaimer



KORA requirements for public agencies

- ▶ Appoint a Freedom of Information officer to assist with KORA requests
- ▶ Display, distribute or otherwise make available a brochure describing requester rights, public agency responsibilities and procedures for inspecting or obtaining copies of public records
- ▶ Include the name/title of records custodian, fees and office hours available for anyone to make a request

K.S.A. 45-226 and K.S.A. 45-227

**See disclaimer



Form of the request

- ▶ Any person may make a request
- ▶ The person need not be a resident of Kansas
 - *But see McBurney v. Young*, US Sup. Ct., April 2013 (Not a violation of privileges and immunities clause to limit access to public records to citizens of Commonwealth of Virginia)

The public agency may require:

- ▶ The request to be in writing
- ▶ Only the requester's name and address
- ▶ Proof of identification
- ▶ Written certification that the requester will not use names and addresses obtained from the records to solicit sales or services

**See disclaimer



Rights of the requester

- ▶ Unless closed by law, the public has the right to review all public records
- ▶ Any person may make abstracts or request copies of records
- ▶ If copies cannot be made where the record is located, arrangements must be made to allow copying
- ▶ If portions of a record are closed, the remainder must be made available to the requester

**See disclaimer



Limitations on requester's rights

- ▶ Requester may not remove a public record without the written consent of the custodian
- ▶ Public agency not required to make copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations unless shown at a public meeting
- ▶ Copyrighted materials may not be reproduced without the permission from the copyright holder, but must be available for viewing or listening.

**See disclaimer



Responding to the request

- ▶ The request must be “acted upon” as soon as possible, but not later than the end of the 3rd business day following date request is received - K.S.A. 45-218(d)
 - ▶ The three acceptable responses:
 1. The record is provided (in the form requested, if possible)
 2. The request is under review and the records, if permitted, will follow
 3. The request is denied, with a detailed explanation for the denial
- Telegram Publishing Co., Inc. v. Kansas Department of Transportation*, 275 Kan. 779, ¶ 4 (2003)

**See disclaimer



Allowable fees and charges

- ▶ Public agency may only recover actual costs to provide the requested records
 - ▶ These costs include staff time to retrieve, review and redact information from a record
 - ▶ Fees may be estimated and collected before the records are provided
- K.S.A. 45-218(f) and K.S.A. 45-219
- ▶ **Executive Order 18-05**

**See disclaimer



Penalties

- ▶ Civil penalty up to \$500 for each violation
- ▶ Require completion of AG approved training
- ▶ Order to cease and desist from further violation
- ▶ Comply with the KORAs
- ▶ Reasonable expenses, investigative costs and attorney fees

**See disclaimer



Categorizing records

- ▶ Presumption of openness
- ▶ Requested public records must be released unless an exemption to disclosure applies
- ▶ Burden rests on public agency to prove the requested records are exempt from disclosure
- ▶ Exemptions to disclosure - discretionary or mandatory closure

**See disclaimer



Discretionary/Policy reasons records may be closed

- ▶ Personal privacy
- ▶ Safety/security
- ▶ Internal communications while policies are developed or administrative procedures are underway

**See disclaimer



Mandatory closure of records

- ▶ There are records that are required to be closed by federal or state statute that are not found in KORA
- ▶ KORA will look to other statutes first - K.S.A. 45-221(a)(1)
- ▶ Records custodian must be familiar with those records and what must be separated into the open and closed portions of a record

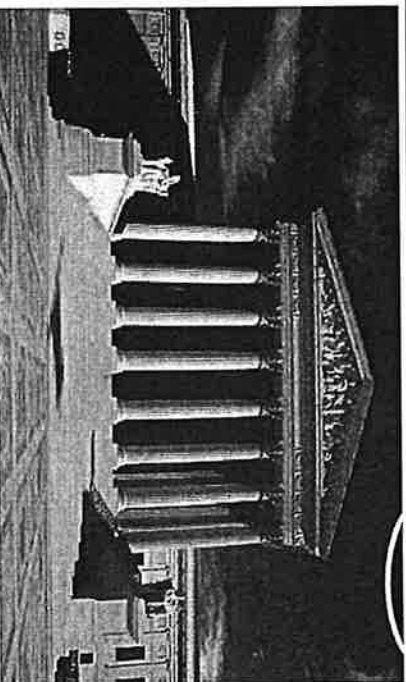
**See disclaimer





ATTORNEY GENERAL

DEREK SCHMIDT



U.S. Supreme Court agrees to hear Kansas appeal in identity theft cases

The U.S. Supreme Court has agreed to hear an appeal by the State of Kansas which is seeking to overturn a state supreme court decision that would prevent Kansas from fully enforcing state identity theft and related criminal statutes.

[LEARN MORE](#)

Latest News

- [AG Derek Schmidt to provide human trafficking awareness training for hospitality, travel and tourism industry next week](#)
April 22, 2019
- [AG Derek Schmidt: Kansas receives \\$55.9 million payment from tobacco settlement](#)
April 19, 2019
- [AG Derek Schmidt: 379 crime victims to receive support](#)

Upcoming Events

- [Training: Domestic Violence and Strangulation Cases](#)
Smith Center | April 23, 1:00 PM
- [Training: Domestic Violence and Strangulation Cases](#)
Goodland | April 24, 1:00 PM
- [National Prescription Drug Take-Back Day](#)
April 27, 10:00 AM
- [Human Trafficking Awareness Training for](#)

Quick Links

- [Concealed Carry](#)
- [Consumer Protection](#)
- [Gang Free Kansas](#)
- [Human Trafficking](#)

Contact Information

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philip.michael@ag.ks.gov

**See disclaimer



Thank you!

Additional resources:

<http://ag.ks.gov/>

<http://ag.ks.gov/open-government/resources>

<http://ag.ks.gov/media-center/ag-opinions>

<http://ksag.washburnlaw.edu/>

(Attorney General Opinions)

**See disclaimer

